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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,033	09/23/2003	Robert J. Higgins	CM06376J	1815

7590

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,033	<b>Applicant(s)</b> HIGGINS ET AL	
	<b>Examiner</b> Marivelisse Santiago-Cordero	<b>Art Unit</b> 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 12, 13, 15 and 16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-8, 10, 12, 13, 15 and 16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 9, 11, and 14 were cancelled.

#### *Response to Arguments*

2. Regarding claim 8, Applicant's arguments filed on 12/15/05 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-equalization parameters (see Remarks: page 7, lines 10-12)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, Wong still discloses in Fig. 3 and col. 3, lines 21-47, wherein the content information includes at least one of: audio interface type, number of audio modes and signaling configuration, duplex capability, receive audio parameters, transmit audio parameters, and receiver to transmitter transducer coupling parameters as stated in the claim.
3. Applicant's arguments with respect to claims 1-8, 10, 12-13 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Wong et al. (hereinafter "Wong"; Patent No.: 5,881,103).

Regarding claim 8, Wong discloses an audio accessory optimization system (Abstract), comprising: an audio accessory (Fig. 1, reference numerals 120 and 130; col. 2, lines 28-34) having content information stored therein (Fig. 3, reference numerals 302-314), the content information for conveying information pertaining to the accessory's audio characteristics (Fig. 3, reference numerals 302-314), the accessory for coupling to one of a plurality of radios (Fig. 1, reference numeral 110; note that a plurality of radios is inherently present since it would be unwise to limit the use of an audio accessory to just one radio) wherein each of the plurality of radios detects the content information and optimizes the audio of the accessory in response thereto (col. 4, lines 24-53), wherein the content information includes at least one of: audio interface type, number of audio modes and signaling configuration, duplex capability, receive audio parameters, transmit audio parameters, and receiver to transmitter transducer coupling parameters (Fig. 3 and col. 3, lines 21-47).

6. Claims 1-8, 10, 12-13, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtiss et al. (hereinafter "Curtiss"; Pub. No. US 2003/0162562; cited in form PTO-892; paper no. 20050617).

Regarding claim 1, Curtiss discloses an audio accessory optimization system, comprising: a radio (Fig. 1, reference 104; paragraph [0032]); and an audio accessory coupled to the radio (Fig. 1, reference 112; paragraph [0032]), the audio accessory including an embedded memory (Fig. 1, reference 120, paragraph [0034]), the embedded memory containing audio optimization parameters to enable the radio to optimize the accessory audio performance (paragraph [0034]),

wherein the audio optimization parameters include at least one of: audio interface type, number of audio modes and signaling configuration, duplex capability, and receiver to transmitter transducer coupling parameters (paragraphs [0034], [0043]-[0044], and [0050]).

Regarding claim 2, Curtiss discloses wherein the radio is a portable radio (paragraph [0032]).

Regarding claim 3, Curtiss discloses wherein the radio is a mobile radio (paragraph [0032]).

Regarding claim 4, Curtiss discloses wherein the information contained in the embedded memory is organized in a hierarchical fashion (Fig. 7).

Regarding claim 5, Curtiss discloses wherein the information contained in the embedded memory is used to create an encrypted digital signature that is also stored in the embedded memory (paragraphs [0066] and [0068]).

Regarding claim 6, Curtiss discloses wherein the embedded memory uses a single wire bus data communication means (paragraph [0041]).

Regarding claim 7, Curtiss discloses wherein the single wire bus data communication means comprises a 1-Wire<sup>®</sup> bus (paragraph [0041]).

Regarding claim 8, Curtiss discloses an audio accessory optimization system, comprising: an audio accessory having content information stored therein (Fig. 1, reference numerals 112 and 120; paragraph [0034]), the content information for conveying information pertaining to the accessory's audio characteristics (paragraphs [0034], [0043]-[0044], and [0050]), the accessory for coupling to one of a plurality of radios (paragraph [0032]) wherein each of the plurality of radios detects the content information and optimizes the audio of the accessory in response

thereto (paragraphs [0053]-[0055] and [0061]-[0062]), wherein the content information includes at least one of: audio interface type, number of audio modes and signaling configuration, duplex capability, receive audio parameters, transmit audio parameters, and receiver to transmitter transducer coupling parameters (paragraphs [0034], [0043]-[0044], and [0050]).

Regarding claim 10, Curtiss discloses wherein the receive audio parameters include at least one of: power amplifier mode, line mode, transducer load impedance, maximum output level, effective sound pressure level (SPL), and cone envelope parameters (paragraphs [0034], [0043]-[0044], and [0050]).

Regarding claim 12, Curtiss discloses the audio accessory optimization system of claim 10 (see above). Curtiss fails to disclose wherein the transmit audio parameters includes at least one of: minimum microphone bias voltage, maximum microphone bias voltage, microphone electrical model parameters, microphone sensitivity, and microphone acoustic model (paragraphs [0034], [0043]-[0044]).

Regarding claim 13, Curtiss fails to disclose wherein the microphone acoustic model includes at least one of: sensor type and response variation with distance (paragraphs [0034], [0043]-[0044]).

Regarding claim 15, Curtiss discloses an audio accessory (Fig. 1, reference 112), comprising: audio optimization parameters stored in the audio accessory (paragraphs [0034], [0043]-[0044], and [0050]); and the audio accessory for coupling to a variety of different radios (paragraph [0032]), each radio having different audio characteristics (paragraph [0032]; note that each radio inherently has different audio characteristics), the audio accessory being automatically adjusted by each radio based on the audio parameters stored in the audio accessory (paragraphs

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[0053]-[0055] and [0061]-[0062]), wherein the audio optimization parameters include at least one of: audio interface type, number of audio modes and signaling configuration, duplex capability, and receiver to transmitter transducer coupling parameters (paragraphs [0034], [0043]-[0044], and [0050]).

Regarding claim 16, Curtiss discloses wherein the audio accessory includes a memory device containing a plurality of descriptors that provide hierarchical information to enable radio optimization of the audio accessory audio performance (Fig. 7).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hutchison, IV et al. (Patent No. US 6,725,061) discloses automatic identification of accessories and Swope et al. (Patent No.: US 6,961,790) discloses self-extracting re-configurable interface used in modular electronic architecture.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MSC



**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**